

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

25897

**FILE:** B-211324**DATE:** August 2, 1983**MATTER OF:** Long Elevator and Machine Co., Inc.**DIGEST:**

1. GAO has no basis for objecting to cancellation of the invitation for bids where the only bid received was some 67 percent higher than the Government's estimate.
2. Protest of alleged solicitation improprieties apparent prior to bid opening must be filed prior to that time.

Long Elevator and Machine Co., Inc. protests the cancellation of invitation for bids (IFB) No. F08650-83-B-0016 issued by the Eastern Space and Missile Center, Patrick Air Force Base, Florida, for freight elevator repairs. Long also protests the resolicitation of the requirement under request for proposals (RFP) No. F08650-83-R-0025. We deny the protest in part and dismiss it in part.

The protester's subsidiary, Long Elevator Company of Florida, Inc., submitted the only bid in response to the IFB. Because the bid of \$98,800 greatly exceeded the Government's estimate of \$31,400, the contracting officer determined that the bid was unreasonable and indicated to the protester that the requirement would be resolicited. In response to the protest filed with this Office, the Government reviewed its estimate and increased it to \$59,000 to account for installation of the type of doors specified in the solicitation. The contracting officer determined that the protester's bid was still unreasonable when compared to the revised estimate and canceled the solicitation.

Long contends that the Government estimate of \$31,000<sup>1</sup> was arbitrary since that firm had estimated the cost of materials and shipping alone to be in excess of

---

<sup>1</sup>The protester refers to the original Government estimate as \$31,000. As indicated above, actual figure used by the agency was \$31,400.

026309

that amount. The protester offers no comment on the revised estimate of \$59,000, but maintains that its bid of \$98,800 was reasonable. Long also contends that the specifications were unclear in several key areas, but that it bid in accordance with its understanding of the specifications.

The regulations provide that after bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and cancel the invitation. Defense Acquisition Regulation (DAR) § 2-404.1 (a). Invitations for bids may be canceled when the bids received are all at unreasonable prices. DAR § 2-404.1 (b)(vi). A determination concerning the reasonableness of prices is a matter of administrative discretion which we will not question unless the determination itself was unreasonable or there is a showing of possible fraud or bad faith. Spruill Realty/Construction Co., B-209148.2, January 31, 1983, 83-1 CPD 102. The determination of price reasonableness properly may be based on a comparison with the Government's estimate. Id. The unsupported statement of a protester that the Government estimate is too low is not sufficient to warrant the conclusion that the rejection of bids due to unreasonable prices was improper. Penn Landscape & Cement Work, B-196352, February 12, 1980, 80-1 CPD 126.

In this case, the only bid received was some 67 percent higher than the revised Government estimate, and the protester offers no evidence that would cause us to question the validity of the revised estimate. There is also no suggestion that the determination that the protester's price was unreasonable was the product of fraud or bad faith. Under these circumstances, we believe the contracting officer had a reasonable basis for considering the only bid received to be excessive, and thus we have no reason to question the cancellation of the IFB. Photo Data, Inc., B-208272, March 22, 1983, 83-1 CPD 281. Further, in view of our conclusion here, we dismiss Long's objection to the issuance of the subsequent solicitation for these services.

To the extent that the protester is objecting to the original solicitation's specifications as being vague or otherwise deficient, these objections are untimely under

our Bid Protest Procedures. Protests based on alleged solicitation improprieties that are apparent prior to bid opening must be filed with this Office prior to that time. 4 C.F.R. § 21.2(b)(1) (1983). This aspect of the protest is dismissed. M & M Services, Inc., B-210818.2, March 25, 1983, 83-1 CPD 308.

The protest is denied in part and dismissed in part.

*Sheldon J. Arosan*  
for Comptroller General  
of the United States